

REMARKS/ARGUMENTS

The examiner has rejected claims 48-53 and 77 under 35 U.S.C. 103(a) as being unpatentable over Lorber, U.S. Pat. No. 6,003,254 (hereinafter "Lorber") in view of Dawson, U.S. Pat. No. 5,761,836 (hereinafter "Dawson"). As noted by the examiner, Lorber teaches a greeting card that includes a pocket for receiving a record, along with an opening through which to view the record label. Dawson teaches a greeting card that plays an aural message upon opening, and may include slots for the insertion of gift items, such as lottery tickets, compact discs, photographs, credit cards or the like. Dawson also teaches that the automatic aural message may be complementary to the occasion marked by the card.

Neither Lorber, nor Dawson, alone or in combination, teaches all of the elements claimed by applicant. With respect to applicant's claims 50-53 and 77, applicant's invention comprises the combination of a card that includes a machine readable storage medium bearing indicia that is thematically related to the card body indicia. This is not taught by any combination of the referenced citations.

The only references to indicia taught by Lorber is within the summary, in column 1, lines 42-45: "It is the object of this invention to provide a greeting card when combined with a record sleeve can receive a prerecorded audio disc reflecting a portion of the greeting card indicia." This object, as disclosed, is ambiguous at best. As such, an ambiguous teaching can not be said to provide an invalidating teaching.

Dawson actually teaches away from the concept of thematically related indicia between the card body indicia and the thematic indicia located upon the machine readable storage medium. Although the aural message taught by Dawson may be related to the

indicia of the card, Dawson does not teach that the gift item contained within the card is to be related to the card body indicia. To the contrary, if the gift item is a lottery scratch card, ticket, or photograph, etc. the gift item would specifically not be thematically related to the indicia of the card body itself. In any event, such a thematic relation is specifically not taught within Dawson.

Additionally, no mention is made in either Lorber, nor Dawson, as to a machine readable storage medium that contains data that is also thematically related to the indicia. Neither prior art reference teaches the inclusion of stored data that is thematically related to the card body indicia, nor is this limitation brought forth by the examiner.

With these points in mind, it will be noted that the dependency of the subsequent claims renders them suitable for allowance in light of the fact that the dependent claims add further limitations to the independent claims. For example, the examiner has rejected claims 54-71 under 35 U.S.C. 103(a) as being unpatentable over Lorber in combination with Dawson and in view of Bradley, U.S. Pat. No. 5,946,834.

The addition of the teachings of Bradley, with respect to die-cutting and folding is irrelevant when combined with Lorber and Dawson based on the above remarks and arguments concerning the shortcomings of the teachings found in Lorber and Dawson. However, in order to put forth a complete response to the examiner's rejections, applicant responds that it is not merely the use of die-cutting that embodies the novelty of applicant's invention. Rather, it is the use of die-cutting to achieve the unique result that embodies applicant's specific configuration for the disclosed card assembly. The examiner correctly notes that die-cutting could be used to accurately form the body of

applicant's invention in the exact desired formation, however, it is precisely that exact desired formation that the addition of the use of die-cutting further limits.

The addition of Hodes, U.S. Pat. Appl. Publication No. 2002/0088855 (hereinafter "Hodes") is cited by the examiner in the rejection of claims 72-76, 78-81. Applicant acknowledges that Hodes teaches the addition of a gift card in such a way that the machine readable portion may be scanned or processed. Applicant, therefore, responds simply that the addition of the gift card in the aforementioned manner would be obvious standing alone; but when considered in their current dependent claim form, claims 72-81 are properly suited for allowance.

Claims 1-50 have been cancelled. Claim 51 has been amended, the remaining claims are once again presented.

Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Patrick D. Archibald, Applicant's Attorney at (617) 720-0091 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited. Reconsideration and further examination is respectfully requested. Grant of this petition is most earnestly sought.

Respectfully Submitted,

10/28/2005 Patrick D Archibald
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